

REQUEST FOR PROPOSAL
for
DISADVANTAGED BUSINESS ENTERPRISE
SUPPORTIVE SERVICES CONSULTANT

Contracting Agency: North Dakota Department of Transportation
Contract Duration: December 15, 2009 – September 30, 2010
Proposal Due Date: 12:00 pm Noon on November 24, 2009

INTRODUCTION

The North Dakota Department of Transportation (Department) seeks the supportive services of a qualified supportive services consultant firm to provide technical assistance to Disadvantaged Business Enterprises (DBEs). Supportive services are those activities and services that are designed to increase the total number of DBEs active in highway construction contracting, highway construction management and administration, and other Department related programs, and to contribute to the growth and eventual self-sufficiency of DBEs, so that they may achieve proficiency in competing for highway construction and construction management contracts and subcontracts.

BACKGROUND

The Civil Rights Division is responsible for developing, implementing, and monitoring the DBE program, which is based on federal legislation, 49 CFR Part 26. This legislation ensures nondiscrimination in the award and administration of federally-assisted transportation contracts.

CONTRACT PERFORMANCE PERIOD

The Civil Rights Division intends to enter into a contract beginning December 15, 2009, and ending September 30, 2010 with an option to extend for one-year periods after the first year based on satisfactory performance and available funding.

PROPOSAL SUBMISSION

Proposals should address previous experience and outline an approach to conduct the services listed in the Scope of Work below.

Submit four copies of the proposal to the Department. NDDOT will only consider proposals received prior to 12:00 Noon CDT on November 24, 2009. Late proposals will be considered unresponsive and will not be considered.

- The proposal should list the personnel who will be assigned to work on the project, including titles, education, and work experience.
- The proposal pages shall be numbered and must be limited to 8 pages in length. Proposals that exceed the 8 page length requirement will not be considered.

- Each proposal shall contain a cover letter signed by an authorized officer of the firm. The pages of the cover letter will not be counted as a part of the 8 pages.
- The consultant's proposal shall include an appendix. The appendix shall include QC/QA program that is to be used for this project. This QC/QA program shall identify the team members, their responsibilities, and stages of development at which each is to be responsible. The appendix may include an updated form 330 for Engineering firms. Non-engineering firms may include a brief description and qualifications of their company. The pages in the appendix will not be counted as a part of the 8 pages.

Each proposal will be evaluated by a selection committee consisting of NDDOT representatives. NDDOT reserves the right to limit the interviews to a minimum of three firms whose proposals most clearly meet the RFP requirements. Firms not selected to be interviewed will be notified in writing.

SPECIAL PROPOSAL CONSIDERATION

In accordance with 23 CFR, Part 230.204(f), the Department will make an effort to search out and utilize the services of minority or women owned firms. Therefore, proposals submitted by minority or women owned firms will receive special consideration.

SCOPE OF WORK

We are requesting a written proposal from qualified supportive services consultants outlining their detailed operating plan to provide the following services:

A. Ombudsperson Services:

- provide ombudsperson services to twenty five (25) DBE applicants or certified DBE firms regarding DBE program requirements
- to provide technical assistance in completing the DBE application or recertification process.

When a firm requests an application, the supportive services consultant firm will call the applicant within five (5) working days to offer assistance in completing the application process. In-state applicants may request an on-site visit or questions may be answered over the phone. Out-of-state applicants will be assisted over the phone. The supportive services consultant firm may review the application and identify areas which may not comply with the program requirements. Options or suggestions will be provided to the applicant to help them resolve these issues, with the full understanding that any changes made will be the responsibility of the applicant.

B. Orientation:

- Provide a mandatory orientation to twelve (12) newly-certified DBE firms.
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- Inform DBE firms about the types of technical assistance available from the supportive services consultant firm including:
 - basic DBE program terminology,
 - Department construction/consulting contracting procedures and requirements, networking with prime consultants and large sub consultants,
 - instruction in certified payrolls and payment affidavits,
 - training on the bidding process with emphasis on electronic bidding.
 - The orientation will assist and encourage DBEs in developing their capability to utilize new technology and conduct business through electronic media. The supportive services consultant firm is to provide a computer at their office for DBEs who drop in for training or for use prior to a bid opening.

C. Technical Assistance:

- Provide miscellaneous technical assistance to fifteen (15) DBE firms to assist them in developing and growing their businesses. If the supportive services consultant firm is unable to provide these types of assistance they will make referrals to appropriate local, state, and federal agencies who can provide the services.
- Special emphasis will be placed on the delivery of these services to newly-certified DBE firms. Requests for technical assistance will be handled on a first come-first serve basis.
- Specific areas of assistance include, but are not limited to:
 - bid or quote preparation for approximately 10 construction bid openings;
 - lease, rental, or purchase of equipment;
 - information from the Departments website;
 - resolving prompt payment or payroll problems;
 - interpreting plans and specifications;
 - developing and/or following progress charts;
 - developing subcontract agreements;
 - aiding DBE firms and prime consultants in the DBE replacement process when they are unable to perform on contracts;
 - recertification;
 - developing business plans for financial packages for the purposes of securing a loan or bid bonds; and
 - basic business management

D. DBE Special Provisions:

Presently, the DBE Program Race-Neutral and Race-Conscious Special

Provisions cover a variety of requirements, especially items pertaining to solicitation efforts, failure to provide required documentation, award of contract, contract monitoring and reporting, maintaining records and tracking payments, monitoring and enforcement mechanisms, counting DBE participation, performing a commercially useful function, and forms.

At the request of the Department, provide input concerning proposed changes to the DBE special provisions by:

- conducting surveys,
- sending out questionnaires,
- other means identified by the Department
- Provide a written report of all results.

E. Advocate/Liaison at Board and Committee Meetings:

The supportive services consultant firm will represent the DBE community at meetings relative to DBE issues such as:

- the annual DBE goal setting methodology,
- the DBE specification committee
- DBE Pre-Certification and Unified Certification Board: A supportive services consultant firm staff member must attend each DBE Unified Certification Board meeting to act as an advisor to the Board. The Board meets twice prior to each bid opening.
- DBE/Contractor Liaison Meetings: A supportive services consultant firm staff member must attend and participate in DBE/Contractor liaison meetings held prior to each bid opening. NDDOT holds approximately 10 bid openings per year.

F. Tribal Employment Rights Office (TERO) Liaison:

At the request of the Department, a supportive services consultant firm staff member will act as a liaison, between the Department and each tribal council, regarding TERO issues.

G. Annual DBE Needs Assessment Survey: The Department will provide the list of clientele to be contacted and will develop and disseminate the questionnaires to the clientele. Over a two week period, the supportive services consultant firm will contact each firm or individual, that did not respond in writing, to compile their responses to each question. The data provided in the responses will be compiled into a final report broken down by the type of clientele contacted.

- The supportive service consultant firm shall provide the final report of all results.

H. Networking/Recruitment:

- The supportive services consultant firm will develop working relationships with all of the certified DBE firms. As time and budget permits, this can be accomplished via:
 - phone and/or computer contacts with each firm
 - visits to home-offices of in-state DBEs.

- The consultant shall develop working relationships with state and federal agencies and staff for possible referral of DBEs. These agencies and individuals may provide additional supportive services to DBEs in the areas of bonding, bookkeeping, marketing, computer technology, equipment purchasing, workforce development, and basic business financial management skills. The entities include, but are not limited to:
 - ND Department of Commerce
 - The Center for Technology and Business (Women Owned Businesses)
 - ND American Indian Business Development Office
 - USDOT Office of Small and Disadvantaged Business Utilization
 - US Small Business Administration
 - Bank of ND
- The Consultant shall develop working relationships with:
 - all ND tribal governments,
 - Women in Construction Association,
 - Minority Consultants Association,
 - Consulting Engineers Council, and
 - ND Associated General Contractors.
- The supportive services consultant firm will recruit new firms.

I. DBE Training:

- The consultant shall develop and maintain an electronic list of relevant business training opportunities for DBEs from:
 - ND colleges and universities,
 - state and federal agencies, and
 - Upper Great Plains Transportation Institute.
- The consultant shall provide the list 2 weeks prior to each bid opening for inclusion in the supportive services newsletter, as appropriate, to be posted on the Civil Rights Division DBE website.
- The consultant shall provide a one day contractor training session in the spring of 2010 covering:
 - electronic bidding,
 - specifications,
 - payroll requirements, and

- marketing.

J. Commercially Useful Function (CUF) Reviews:

- At the request of the Department, a supportive services consultant firm staff member will conduct twenty (20) project site CUF reviews of DBEs.

K. Home Office Reviews:

The supportive services consultant firm will use Home Office Reviews as an opportunity to have face-to face contact with the DBE applicant and answer any questions the applicant may have for the ombudsperson. This meeting will also begin to build a working relationship with the applicant, should they become certified, and to facilitate the orientation process and any future requests for assistance.

- Between the pre-certification review and prior to the oral certification interview, the supportive services consultant will:
 - conduct a home office review of each in-state applicant, approximately twenty (20).
 - A home office review includes:
 - verification of equipment,
 - verification of the location of the business, and
 - the verification of other factors listed in the DBE application form.
- The consultant shall provide a written report to the Department within two (2) days of the oral interview.

GENERAL REQUIREMENTS

The philosophy of this contract is to provide DBEs with the necessary technical assistance and knowledge to become competitive, self-reliant businesses. Technical assistance will be provided in such a manner to enable the firm to, in the future, complete a given task alone, or with minimal assistance.

TARGETED AUDIENCE

The following five (5) categories of firms or individuals are targeted for program assistance and are listed by priority:

- Newly-certified DBE firms that have been bidding on transportation-related projects for twelve (12) months or less.
- DBE firms that have, in the past, or are currently participating in transportation-related projects.

- DBE firms that have never engaged in transportation-related projects but have the desire and potential to do so.
- Minorities, women, or socially- and economically-disadvantaged individuals interested in becoming certified to participate in transportation-related projects.
- DBE firms with marketable goods and services (applicable to the transportation industry) that are not considered a construction company.

STATEWIDE SERVICE AREA AND FEES

The program will serve all potential and existing transportation-related DBE firms in North Dakota. Services will be provided free-of-charge.

- The supportive services consultant firm's existing **full-time** office must be located within the city of either Bismarck or Mandan. The office must be staffed from 8:00 a.m. to 5:00 p.m., Monday – Friday, excluding all state holidays, unless other arrangements are made with the contracting officer. The location **must** be accessible to people with disabilities.
- Assistance provided to out-of-state firms will be limited to either written or verbal actions. No out-of-state trips will be made to assist out-of-state DBE firms. Out-of-state DBE firms will be referred to their home state DBE supportive services consultant firm for assistance.
- At the direction of the contracting officer, supportive services consultant firm staff may attend out-of-state DBE meetings. The reimbursable out-of-state travel expenses should be no greater than the expenses outlined in the North Dakota out-of-state travel policy.

DOCUMENTATION

Written documentation (contact sheets) of all assistance provided to DBE firms and Applicants by the supportive services consultant firm, must be maintained. This information is to be provided to the Department upon completion of the contract, or at the request of the contracting officer.

Each supportive services consultant firm staff member will be required to maintain strict confidentiality regarding the contents of files from DBE applicants and DBE firms who are certified or recertified.

- The consultant shall provide written reports for the periods:
 - December 15 to March 31, and

- April 1 to June 30.
- Reports will be due within ten (10) calendar days following the end of each reporting period.
- An annual report (summation of all period activities, including the last period of July 1 to September 30) must be provided within fifteen (15) calendar days following the end of the contract period.
- Each report must be narrative in nature, addressing each task listed in the proposal, the progress made, and state any problems that were encountered. The reports must also contain a detailed budget including:
 - Summary of work activities and tasks including: reporting period, activities completed, action items, issues, etc.
 - Summary of payroll costs by work activity identified in the scope of work. The payroll summary shall show the name of the employee, employee classification, overtime hours, straight-time hours, and salary paid.
 - Lodging and meal summary showing: date, name of employee, lodging amount, meal amount, and total amount.
 - Mileage summary, if applicable, showing: miles, rate, and total amount.
 - General expense summary.
 - Subconsultant summary showing: date, consultant name, work activity, summary of payroll costs as required in item 2 above, and total amount (subconsultant invoice should be attached to voucher).
 - Profit summary showing: total profit, percent profit complete, profit billed, previous profit billed, and current profit billed.
 - Project summary showing: current billing subtotals, current profit billed, and total billed amount.
 - The payment for profit will be based on the total percentage of fee paid to date.
 - The consultant shall submit (1) original and one (1) copy of each report.

The supportive services consultant firm may be requested to provide other reports upon written request by the Department.

All records are subject to a project audit by the Department as covered by Office of Management and Budget (OMB) Circular Reference A133.

All records are subject to random review at any time by the Department.

Review meetings will be scheduled by the Department with the supportive services consultant, once during each period.

The Department will annually survey DBE companies' satisfaction with the supportive services consultant. The survey will help the Department measure the effectiveness of the supportive services program and identify areas for improvement.

At the end of the contract period, the contracting officer will conduct a performance audit at the supportive services consultant firm's office

SELECTION CRITERIA

Proposals will be evaluated by Selection will be on the basis of the following criteria:

- Past performance
- Ability of professional personnel
- Willingness to meet time and budget requirements
- Location
- Recent, current, and projected workloads of the persons and/or firms
- Related experience on similar projects
- Recent and current work for the agency
- Project understanding, issues, & approach
- Project schedule
- Specific experiences with program delivery to "applicable clients" or recipients to whom program is targeted
- The firm's past or present business relationships
- Familiarity with business-related difficulties with applicable clients or recipients to whom the program is targeted.
- The firms demonstrated understanding of highway construction company bidding, quoting, estimating, and business management.

PROPOSAL DEADLINE

Four (4) copies of the proposal must be received no later than 12:00 pm Noon Central time on November 24, to the attention of:

Ms. Deb Igoe, Director
Civil Rights Division, Room 315
Department
608 East Boulevard Avenue
Bismarck, ND 58505-0700
Telephone: 701-328-2576
Fax: 701-328-1965

QUESTIONS

Questions must be in writing and mailed, faxed, or e-mailed to:

Ms. Deb Igoe
Civil Rights Division, Room 315
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Telephone: 701-328-2576
Fax: 701-328-1965
E-mail: digoe@nd.gov

DISCLOSURE OF PROPOSAL

At the conclusion of the selection process, the contents of all proposals will be subject to North Dakota's Open Records Law and may be open to inspection by interested parties. Any information included in the proposal that the proposing party believes to be a trade secret or proprietary information must be clearly identified in the proposal. Any identified information recognized as such and protected by law may be exempt from disclosure.

OWNERSHIP OF PROPOSALS

All proposals submitted regarding this RFP become the property of the Department. The Department will not be responsible for any costs incurred by proposer, including proposal preparation or presentation prior to execution of a contract. Proposals will not be returned.

RIGHT TO REJECT

The North Dakota Department of Transportation reserves the right to reject any or all proposals. The proposal award is subject to availability of funding.

REGISTRATION WITH THE STATE

The selected supportive services consultant firm must obtain a Certificate of Authority to conduct business in the state. Certificates are available from the Secretary of State's Office, 600 East Boulevard Avenue, First Floor, Bismarck, North Dakota.

While it is not necessary to be registered with the state to submit a proposal, the successful supportive services consultant firm will be expected to be registered with the Secretary of State before execution of the contract. It is strongly recommended that firms have a current (within the last 90 calendar days) Certificate of Good Standing from their state of origin. This is often the primary delay in getting registered with the state.

RISK MANAGEMENT

A risk management appendix, substantially similar to that attached, will be incorporated into the contract with the supportive services consultant firm chosen.